

Senate Bill No. 131

CHAPTER 6

An act relating to vehicles.

[Approved by Governor April 15, 1997. Filed with
Secretary of State April 15, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 131, Kopp. Vehicles: controlled substances.

Existing federal law (P.L. 101-516) requires states to enact laws that mandate suspending or revoking the driver's license of any person convicted of specified controlled substance violations or that declare that a state does not wish to impose that sanction. A state's failure to enact those laws would result in the state's loss of federal transportation funds. California enacted a law that terminates on March 1, 1997, that meets the federal requirements.

This bill would declare that the Governor and the Legislature do not wish to impose the sanctions described in the federal law.

The bill would become operative only if AB 74 is also enacted and becomes operative on or before January 1, 1998.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Public Law 101-516 was signed by the President of the United States and became effective on November 5, 1990. Public Law 101-516 requires, among other things, that states either (1) enact laws that mandate suspending or revoking for six months the driver's license of any person convicted of specified controlled substance violations or (2) enact legislation declaring that a state does not wish to impose the specified driver's license sanction.

(b) Public Law 101-516 provides that if a state fails to enact a law that conforms with the federal statute, either providing for driver's license suspension for controlled substance violations or explicitly rejecting that action, then the state will suffer the loss of a portion of its federal transportation funds.

(c) California has been a leader in developing programs to prevent the abuse and unlawful use of controlled substances as well as enacting laws regulating driving behavior and imposing driver's license suspensions and revocations for drug violations and driving under the influence of drugs.

(d) California is opposed to federal requirements prescribing the content and conclusions of state laws, especially in those policy areas

where the state has acted responsibly and in the best interests of its citizens.

(e) It is the intent of the Legislature and the Governor that this act constitutes a certification, pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 159 of Title 23 of the United States Code, that the Legislature and the Governor do not wish to impose the sanctions specified under the law described in subparagraph (A) of paragraph (3) of subdivision (a) of Section 159 of the United States Code.

(f) It is the further intent of the Legislature to enact a driver's license suspension statute that is consistent with California public policy and the United States Constitution and the California Constitution.

SEC. 2. This act shall become operative only if Assembly Bill 74 is also enacted and becomes operative on or before January 1, 1998.

